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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,673	04/12/2000	Atsushi Tomita	44084-449	5765

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WASHINGTON, DC 20005-3096

EXAMINER

PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
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2142

8

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/547,673

Applicant(s)

TOMITA, ATSUSHI

Examiner

B. Prieto

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
5) ☐ Claim(s) ____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) ____ is/are objected to.
8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: ____

DETAILED ACTION

1. This communication is in response to amendment filed 2/12/04, claims 1-22 have been examined.
2. Correction to the drawings is noted, objection is withdrawn.
3. Claim 17 recites the limitation "the controlling unit" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. Quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.
5. Claims 15-14, 11-13, 7-9, 4-5 and (new) 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarr, et. el. (Tarr) U.S. Patent No. 5,184,179 in view of Jarvis U.S. Patent No. 5,918,040.

Regarding claim 15, Tarr teaches substantial features of the invention as claimed, teaching a management system (Figs. 3-4) that manages apparatuses (52 of Fig. 3) connected to a plurality of apparatus management devices, i.e. processor (16 of Fig. 1 or 60 of Fig. 3), by transmitting and receiving a information including apparatus management data between a centralized management device (103 of Fig. 4) and the apparatus management devices via a communication network, (Tarr: receiving/transmitting by control computer (16) see col 3/lines 54-58 and col 9/lines 58-col 10/line 4, transmitting over a local area network to central station see col 5/lines 8-13, data transfer in discrete bytes, i.e. packets see col 3/lines 59-60) wherein said centralized management system comprises:

communication network for sending out to the communication network a packet being addresses to a specified apparatus management device and taking in a packet from the communication network addressed to itself (Tarr: sending out packets addressed to processor see col 3/lines 54-56 and 7/lines 20-26, sending to respective processor see col 9/lines 31-21, and taking in see col 7/lines 28-31, centralized station having a modem, i.e. for taking in see col 5/lines 40-43 and sending out see col 6/lines 27-38), wherein said apparatus management devices each comprises:

first communication means (20) for transmitting and receiving the apparatus management data to and from the apparatus (Tarr: receive/transmit to/from copier see col 7/lines 13-20);

second communication means (42) for sending out a packet addressed to said centralized management device through the communication network, and taking in a packet from the communication network addressed to itself (Tarr: sending out by transceiver 42 of processor (16) to central station see col 7/lines 28-38, taking in data addressed to itself, i.e. answering see col 5/lines 40-43);

clock means (30) for providing current time (Tarr: col 6/lines 43-46); and

permitting transmission of the apparatus management data to the apparatus connected to said apparatus management device on condition based on the current time obtained from an internal clock ("clock means for providing current time") (col 6/lines 39-68); although the prior art teaches permitting transmission of the apparatus management data to the apparatus connected to said apparatus management device on a predetermined condition based on the current time obtained from a clock;

Tarr does not explicitly teach where sending out packet includes expiration information (e.g. date and time) from expiration setting means; threshold value storing means for a value for deciding data is valid; and

expiration managing means for permitting transmission of a data packet to the apparatus on the condition that the current time is not past the expiration information from time information (e.g. "transmission date and time") included in the packet;

Jarvis teaches a system/method related to transmission of data packet between managed processor, including sending out a packet including time information from expiration time setting means (Jarvis: sending out over the network time-stamped data packets having expiring times placed on them with a clock for providing time-stamped information, i.e. time setting means see col 1/lines 9-21, time setting means (31 & 33 of Fig. 1) see col 2/lines 40-43);

threshold value storing means for storing threshold value for deciding a period of time for which data is valid (Jarvis: col 1/line 16-21), analyzing means (30 & 32) for analyzing the packet taken in by second communication means (Jarvis: check time-stamped information at entry and exit for stale data see col 2/lines 55-58);

permitting the transmission of data in a packet if the current time is not past the expiration time from the time information included in the packet (Jarvis: not transmitting data that has expired, i.e. the current time is past see col 2/lines 51-55);

It would have been obvious to one ordinary skilled in the art at the time the invention was made given Tarr's suggestion for transmitting data between processor over a network in a management system, including the transmission of data pertaining the operation of managed copies (i.e. management data to a

central station in a timely and accurate fashion, as taught by Tarr. One ordinary skilled would have considered Jarvis teachings for transmitting data between processor in a timely synchronized fashion for ensuring the old data transferred over the networks are discarded, as taught by Jarvis. One ordinary skilled would be motivated to combine the teachings of Tarr and Jarvis for further enhancing Tarr's management system programmable to incorporate other functions, as suggested by Tarr, with a packet including expiration date and time information for permitting transmission of the copier management data in a packet to the control computer on the condition that the current time is not past the expiration date and time from transmission date and time information included in the packet for ensuring that old data packets containing stale data are eliminated from being transferred over the network and received from the network, as suggested by Jarvis.

Regarding claims 14, this claim is substantially the same as claim 15, same rationale of rejection is applicable.

Regarding claims 4, 8-9 and 11-13, these claims are substantially the same as claims and/or as discussed on claims 14-15, same rationale of rejection is applicable.

Regarding claim 5, copy machine (Tarr: 52 of Fig. 3).

Regarding claim 7, data packet (Tarr: col 3/lines 59-60, Jarvis: col 1/lines 16-21).

Regarding claim 19, a control device for controlling an apparatus ("image forming apparatus"), the control device comprising

- receiving a command from a management device via a communication network (Tarr: col 6/lines 27-28, col 5/lines 31-36 and col 3/line 47-49).

- determining whether or not a command has expired (Jarvis: col 2/lines 51-58);

- sending the command to the image forming apparatus for processing (execution) when the command has not expired (Jarvis: col 2/lines 36-58).

Regarding claim 20, sending information to the management device via the communication network when the command has expired (Tarr: col 6/lines 39-54).

Regarding claim 21, not controlling the management device associated with the command when the command has expired (Tarr: col 6/lines 39-54).

Regarding claim 22, command to request an operation of the apparatus ("image forming apparatus") (Tarr: col 6/lines 27-28, col 5/lines 31-36 and col 3/line 47-49).

6. Claims 1-3, 6, 10, 16-18 and (new) 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarr in view of Jarvis in further view of Frantz U.S. Patent No. 6,003,070.

Regarding claim 1, the combined teachings of Tarr and Jarvis, further teach a

receiving unit for receiving a data transmitted from a management device via a communication network (Tarr: col 3/lines 54-58, col 9/lines 58-col 10/line 4, transmitting over a local area network to central station see col 5/lines 8-13);

an analyzing unit for analyzing the received data to obtain data on an expiration date and time analyzing means (30 & 32 of Fig. 1) for analyzing the packet taken in by second communication means (Jarvis: check time-stamped information at entry and exit for stale data see col 2/lines 55-58);

a control unit for controlling an apparatus based on the received data when validity of the data has not expired (Jarvis: check data validity see col 2/lines 55-58 and controlling by not transmitting data that has expired, i.e. the current time is past see col 2/lines 51-55); however the neither Tarr nor Jarvis teach where the data packet transmitted is "mail";

Frantz teaches a management system that manages equipment apparatuses (20 of Fig. 1), (col 2/lines 19-31) connected to an apparatus management device (10 of Fig. 1), (col 2/line 15-21) by transmitting and receiving a packet via e-mail including apparatus management data (col 4/lines 56-58, col 5/lines 6-13) between an addressed centralized management device and the apparatus management devices (col 2/lines 32-45) via a communication network (12 of Fig. 1), (sending/receiving col 4/lines 32-col 5/line 2), permitting transmission of apparatus management data on predetermined condition (col 5/lines 3-13, 32-39).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to incorporate Frantz teaching for transmission between the apparatuses and the management devices is made via e-mail across the Internet communication network, motivation would be enable the transmission between the management devices is made via e-mail across the Internet communication network and copiers or any type of equipment that requires monitoring and/or maintenance as implement in management system, and suggested by Frantz.

Regarding claim 2, copy machine (Tarr: 52 of Fig. 3).

Regarding claim 3, data packet (Tarr: col 3/lines 59-60, and Jarvis: col 1/lines 16-21).

Regarding claims 6 and 10, Internet (see Frantz 12 of Fig. 1).

Regarding claim 16, this claim contains limitation substantially the same as those discussed on claims 15 and 1, therefore same rationale of rejection is applicable.

Regarding claim 17, the mail is a command to request an operation of the apparatus (Tarr: col 6/lines 27-28, col 5/lines 31-36 and col 3/line 47-49).

Regarding claim 18, not controlling the apparatus based on the received mail when the validity of the mail has expired because the mail is discarded (Jarvis: col 2/lines 36-58).

Response to arguments

7. Regarding claims 4, 5, 7-9 and 11-15 applicant indicates that that examiner readily admitted that the Jarvis reference fails to teach certain limitation(s) of the claim on page 5 of office action mailed 11/12/03.

In response to this assertion, applicant is urged to carefully review cited portion, section 8 on page 5 in response to arguments, simply paraphrases what is argued by applicant and replies with an indication with respect to what is required by the test of obvious. Further, on section 9 of same page, the same pattern is applied applicant's argument is set forward and respective response notes that the features upon applicant's relies on are not in the claimed invention.

8. Applicant further argues that there is no motivation to combine the teachings of the applied reference without suggestion thereof by the prior art.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary

skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation to combine the above references was presented on pages 2-3 above.

9. Applicant argues with regards to claims 4, 5, 7-9 and 11-15, that prior art does not teach time-stamping a data packet with the time that the interface transmits the data packet onto the communication network, then time stamping data transmitted data packet when the data packet is received by the addressed device, and then using this time information for discarding stale data received via the communication network.

In response to the above-mentioned argument, it is noted that the Jarvis reference teaches sending out a packet including time information from expiration time setting means. Particularly disclosing as prior art that two processors communicating with each other are provided with a clocks with which time-stamped information is provided to certain process (col 1/lines 12-16). Thereby, teaching sending out a time-stamped information. Further disclosing that in data communication networks where data packets transferred over the network, said data packets may have expiry time placed upon them, to ensure that old data packets containing stale data may be eliminated (col 1/lines 16-21). Thereby, disclosing expiration time setting means ("expiry time placed on the data packets") that is means determining when time-stamped information, i.e. data packets transferred over the network are staled or old based on the expiry time and the time-stamped information on the data packets and discarding data received over the network. Additionally disclosing where data packets sent out include time information from time expiration setting means, wherein data packets processed for sending over the network are stamped with an expiry time to ensure that old data packets are not transmitted over the network, likewise data packets received are time-stamped with an expiry time generated from the clock therein, time-stamped with an expiry time is check at entry and exit of the processor unit and interface and discarded if deemed to contain stale data (see col 2/lines 36-58). Arguments that prior art does not teach sending out a packet including time information from expiration time setting means are not persuasive.

10. Applicant argues with regards to claims 4, 5, 7-9 and 11-15, that there is no evidence in the record that includes "time-stamping a data packet with the time that the interface transmits the data packet onto the communication network, then time stamping data this transmitted data packet when the data packet is received by the addressed device, and then using this time information for discarding stale data packets received via the communications network".

In response to the above argument, the system claims 4-7 has been reviewed, but they are not found to include the argued series of sequential steps (i.e. “time-stamping a data packet with the time that the interface transmits the data packet onto the communication network, then time stamping data this transmitted data packet when the data packet is received by the addressed device, and then using this time information for discarding stale data packets received via the communications network, the apparatus claims 8-9 have been reviewed, but they are not found to include the argued series of sequential steps, and the apparatus claims 11-15 have been further reviewed, but they are not found to include the argued series of sequential steps.

11. Regarding claims 14-15, applicant argues prior art does not teach claim limitation as recited, specifically, claim 15, which claims a “centralized management device comprising a communication network for sending out to the communication network a packet being addresses to a specified management device and including expiration date and time information ~~form~~ from the expiration data and time setting unit, and taking in a packet ~~form~~ from the communication network addresses to itself”.

In response to the above-mentioned argument, it is noted that the prior art teaches a management (monitoring) system (Fig. 3) that manages apparatuses (52) connected to a plurality of apparatus management devices (80 and 60), including receiving and transmitting data including “apparatus management” data between a centralized management device (54) and the plurality of apparatus management devices (Tarr: transmission copier information to device (54) from device (80) see col 3/lines 50-58, receiving from device (54) to device (80) for polling status of the manage apparatuses device see col 6/lines 27-38, management data transmitted between therein see col 7/lines 66-col 8/line 9; the centralized management device has the addresses of each specified managed copier see col 5/lines 31-36, and is configured to poll the status of a apparatus management device see col 6/lines 27-39);

12. Applicant further argues regarding claims 14-15, the prior art Tarr does not teach where management data is sent from the centralized management device to the apparatus, particularly, Tarr does not teach according to applicant information being sent from the billing computer to the copier.

In response to the above-mentioned argument, that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., “sending out to the communication network a packet being addressed to apparatus, i.e. a copier”) are not recited in the rejected claim(s). This is not a suggestion of any sort. Further, it is noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is noted that claim recites,

managing apparatuses connected to a plurality of apparatus management device by transmitting and receiving a packet of data between a centralized management device and apparatus management device via a communication network... sending a packet being addressed to a specific apparatus management device... Sending out to the communication network a packet being address to the copier is not patentable given the explicit teachings of the Tarr reference.

Arguments that the Tarr reference does not teach transmitting any information to the copier, because it does not teach sending information from the billing center to the copier, are not persuasive

13. Regarding claims 1, 8, 16 and 18, these claim are substantially the same as claims 14-15 in the above aspects, this is according to applicant. Therefore claims 1, 8, 16 and 18 are patentable according to applicant over the prior art of record.

In response to the above assertion, claims 1, 8, 16 and 18 being substantially the same as claims 14-15 in the above aspects according to applicant, are therefore not patentable over the prior art of record.

14. Applicant's arguments filed 2/12/04 have been fully considered but not rendered persuasive.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Prosecution of this application is closed by means of this final office action § 1.113, applicant may request continued examination of the application by filing a Request for Continued Examination of under 37 CFR § 1.114 and providing the corresponding fee set forth in § 1.17(e) for the submission of, but not limited to, new arguments, an information disclosure statement, an amendment to the written description, claims, drawings, or new evidence in support of patentability. Or applicant whose claims has

been twice rejected, may appeal from the decision of the administrative patent judge to the Board of Patent Appeals and Interferences under 35 U.S.C. §134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (703) 305-9705. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this final action should be mailed to:

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Or Telephone:

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).


B. Prieto
TC 2100
Patent Examiner
May 5, 2004